

770-101

Page 1 of 4  
PATENT APPLICATION  
08/06/97  
BOX BWC

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**REQUEST FOR FILE WRAPPER CONTINUING APPLICATION UNDER 37 CFR 1.62**

**(RULE 62)**  
**For Design or Utility Applications**

U.S. PTO  
06/06/97

The Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Prior Application:  
Group Art Unit: 1103  
Examiner: Hendrickson  
Atty Dkt: 238397 /93200FH  
new M# / Client Ref.  
(Our Deposit Account No. 03-3975  
(Our Order No. 21123 / 238397  
C# / new M#  
Date: June 6, 1997

Sir:

This is a RULE 62 Request for filing from  
prior copending parent Application No. 08 / 594,327, a  
series code ↑ ↑ serial no.

☐ divisional

☒ continuation ( **Exr. NOTE:** any election in parent as to species/restriction requirement:

☐ is carried over with traverse) ☐ is not carried over)

☐ continuation-in-part without new Declaration (Rule 53(d)) ☐ without fee

☐ continuation-in-part (with new Declaration attached hereto)

The parent was filed on January 30, 1996, entitled PRECIPITATED SILICAS

by the following named inventor(s) who is/are ☒ the same as, ☐ less than all of (see Item 17),

☐ more than (for CIP only), those named in that parent application:

1. Inventor Heinz ESCH Germany  
First Middle Initial Family Name Country of Citizenship

Residence (City) Bonn (State/Foreign Country) Germany

Post Office Address Kolnstrasse 367, D-53117 Bonn, Federal Republic of Germany

(include Zip Code)

2. Inventor Udo GORL Germany  
First Middle Initial Family Name Country of Citizenship

Residence (City) Bornheim-Roisdorf (State/Foreign Country) Germany

Post Office Address Herderstrasse 38, D-53332 Bornheim-Roisdorf, Federal Republic of Germany

(include Zip Code)

3. Inventor Robert KUHLMANN Germany  
First Middle Initial Family Name Country of Citizenship

Residence (City) Erfstadt (State/Foreign Country) Germany

Post Office Address Paul-Keller-Strasse 24, D-50374 Erfstadt, Federal Republic of Germany

(include Zip Code)

4. Inventor Ralf RAUSCH Germany  
First Middle Initial Family Name Country of Citizenship

Residence (City) Kreuzau (State/Foreign Country) Germany

Post Office Address In den Benden 18, D-52372 Kreuzau, Federal Republic of Germany

(include Zip Code)

5. Inventor \_\_\_\_\_  
First Middle Initial Family Name Country of Citizenship

Residence (City) \_\_\_\_\_ (State/Foreign Country) \_\_\_\_\_

Post Office Address \_\_\_\_\_

(include Zip Code) \_\_\_\_\_

**NOTE: FOR ADDITIONAL INVENTORS**, check box ☐ and attach sheet (CDC-110A) with same information for each inventor starting with inventor No. 6 and number new page 1A.

1. **Requirement of Rule 62:** Rule 62 filings are to be used only when the issue fee has not been paid (except as noted below) in the above-identified prior application nor that application abandoned or its proceedings terminated. This Rule 62 filing will be considered by the PTO as an express abandonment of that prior application except when this Rule 62 filing is pursuant to Rule 313(b)(5), i.e., when the issue has been paid in the prior application and a petition filed to abandon that application to permit an IDS to be considered in this Rule 62 application. (Note: 37 CFR 1.53 (Rule 53) may be used for continuations and divisions where the prior application is not to be abandoned.)
2. ☐ The issue fee has been paid in the parent, but this Rule 62 Request follows a Rule 313(b)(5) petition, and per 1138 OG 40 waiver is respectively requested of that part of Rule 62 which prohibits use of the rules to file an FWC after payment of the issue fee.
3. ☒ Priority is claimed under 35 U.S.C. 119/365 based on filing in Germany of:
- | Application No.   | Filing Date    | Application No. | Filing Date |
|-------------------|----------------|-----------------|-------------|
| (1) P 43 34 201.9 | 7 October 1993 | (4)             |             |
| (2) P 44 27 137.9 | 30 July 1994   | (5)             |             |
| (3)               |                | (6)             |             |
- a. ☐ (No.) Certified copy/copies attached.
- b. ☒ Certified copy/copies previously filed on October 7, 1994 in prior U.S. Application No. 08 / 319,490, filed on series code ↑ serial no.
- c. ☐ Certified copy/copies filed during International stage of PCT/            /           .
- d. ☐ Priority is also claimed from PCT/            /            filed           .
4. ☒ The prior application is assigned of record to Degussa Aktiengesellschaft by Assignment recorded January 3, 1995 Reel 7293 Frame 0208 Date           .
5. ☐ Attached is an Assignment Cover Sheet.  
Please return the recorded Assignment to the undersigned.
6. ☒ The power of attorney in the prior application is to Kevin E. Joyce, Reg. No. 20,508, Cushman Darby & Cushman (Name, Reg. No.) the address of whom is in item 8.
7. ☒ Recognize as associate attorney Ann S. Hobbs, Reg. No. 36,830 (Name and Reg. No.; Address as in item 8 unless otherwise indicated)
8. **Address all future communications to Cushman Darby & Cushman Intellectual Property Group of Pillsbury Madison & Sutro LLP, Ninth Floor, East Tower, 1100 New York Avenue, N.W., Washington, D.C. 20005-3918.**
9. ☒ Amend the specification by inserting before the first line (in place of any comparable insert previously requested in any prior application) the sentence: --This is a ☐ continuation-in-part (CIP) ☒ continuation ☐ division of Application No. 08 / 594,327, filed on January 30, 1996, which was series code ↑ serial no. abandoned upon the filing hereof           .
10. ☐ (No.) Verified Statement(s) establishing "small entity" status under Rules 9 and 27  
a. ☐ filed in above prior application (and hence applicable hereto)  
b. ☐ attached.

269900-1650-0000

11. **Requirement of Rule 62:** It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.
12. Petition to extend the life of the above prior application to at least the date hereof

NOTE: (One box) ☒ [ X ] is being concurrently filed in that prior application (Use Form CDC-111).  
 (must be) ☐ [ ] was previously filed in that prior application (Check length of prior extension).  
 (X'd) ☐ [ ] is not necessary for copendency ( double check before X'ing this box).

13. ☐ [ ] Please enter the amendment previously filed on \_\_\_\_\_ but unentered in the above prior application.

14. ☐ [ ] Attached: \_\_\_\_\_ sheet(s) per set of drawing of Fig(s) \_\_\_\_\_ :  
☐ [ ] 1 set informal; ☐ [ ] formal of size: ☐ [ ] A4 ☐ [ ] 11"

15. ☐ [ ] **PRELIMINARY AMENDMENT to be entered before fee calculation** (Do not make amendments here except cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee per MPEP §§ 506 and 607; do not cancel all claims.):

16. ☐ [ ] Attached is a Rule 103(a) Petition to Suspend Action

17. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this Rule 62 application:

2. \_\_\_\_\_  
 4. \_\_\_\_\_

18. ☐ [ ] This Rule 62 application is a continuation-in-part which discloses and claims additional matter and the amendments in attached Amendment are to be considered an integral part of the CIP ab initio.

☐ [ ] New Declaration is attached.

5. ☐ [ ] This application is also filed under Rule 53(d) (without a Declaration) and hence filing fee is not enclosed.

#### **FILING FEE**

THE FOLLOWING FILING FEE IS BASED ON THE CLAIMS  
EXISTING IN THE PRIOR APPLICATION AS AMENDED AT 13 AND 15 ABOVE

	see box 10 re:	Large/Small Entity	Fee Code
19. Basic filing fee ----- Design Appln. --	\$320/\$160	\$0	(102/03)
20. Basic filing fee ----- <u>Not</u> Design Appln. --	\$770/\$385	\$770.00	(101/00)
21. Total Effective Claims <u>2</u> minus 20 =	* <u>0</u> x \$22/\$11 =	+0	(102/03)
22. Independent Claims <u>1</u> minus 3 =	* <u>0</u> x \$80/\$40 =	+0	(102/02)
* If answer is zero or less, enter "0"			
23. If <u>any proper</u> (ignore improper) multiple dependent claim is present, ----- add \$260/\$130	+0	(104/204)	
24. <b>TOTAL FILING FEE =</b>	<b>\$770.00</b>		
25. If "assignment" box 5 above is X'd, ----- add recording fee (\$40.00)	+0	(581)	
26. If "petition" box 16 above is X'd, ----- add petition fee (\$130.00)	+0	(122)	
27. <b>FEE ATTACHED =</b>	<b>\$770.00</b>		
(carry forward to line 36)			

28. ☐ Preliminary Amendment attached (to be entered after assigning Appln. No.).  
 (Do NOT X box 28 or 29 for CIP Amendment. See box 18)
29. ☐ The following PRELIMINARYAMENDMENT is to be entered after assigning Appln. No.:

30. ☐ ATTACHED:

31.

**ADDITIONAL FEE CALCULATION FOR  
PRELIMINARY AMENDMENT  
PER BOXES 28/29**

Claims remaining after amendment	Highest number previously paid for	Present Extra	Additional Fee
		<u>Large/Small Entity</u>	<u>Fee Code</u>
32. Total Effective Claims <u>2</u>	minus ** <u>20</u>	= * <u>0</u> x \$22/\$11 = \$ <u>0</u>	(1082B)
33. Independent Claims <u>1</u>	minus *** <u>3</u>	= * <u>0</u> x \$80/\$40 = + <u>0</u>	(1022D)
34. If amendment enters proper multiple dependent claim(s) into this application for the <u>first time</u> , ----- add \$260/130 (per application)		+ <u>0</u>	(1042D)
35.		ADDITIONAL FEE	\$ <u>0</u>
36.		<u>plus FEE</u> from item 27 on page 3	+ <u>770.00</u>
37.		<b><u>TOTAL FEE ATTACHED</u></b>	<b><u>\$770.00</u></b>

38.\*If the entry in the first space is less than entry in the middle space, the "Present Extra" result is "0".

39.\*\*If the "Highest number previously paid for" (see item 21 above) is less than 20, write "20" in this space.

40.\*\*\*If the "Highest number previously paid for" (see item 22 above) is less than 3, write "3" in this space.

41. **CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. **This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.**

**Cushman Darby & Cushman  
Intellectual Property Group of  
Pillsbury Madison & Sutro LLP**

1100 New York Avenue, N.W.  
Ninth Floor, East Tower  
Washington, D.C. 20005-3918

Tel: (202) 861-3000  
Atty/Sec: ASH/maf

By Atty: Ann S. Hobbs

Reg. No. 36,830

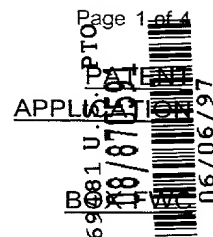
Sig: 

Fax: (202) 822-0944  
Tel.: (202) 861-3063

**NOTE: No: 1:** File this Request in duplicate with 2 postcard receipts (CDC-103) & attachments.

**NOTE: No: 2:** Is extension in parent necessary for copendency? **DOUBLE CHECK** Item 12 above.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**REQUEST FOR FILE WRAPPER CONTINUING APPLICATION UNDER 37 CFR 1.62**  
**(RULE 62)**  
**For Design or Utility Applications**



The Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Prior Application:  
Group Art Unit: 1103  
Examiner: Hendrickson  
Atty Dkt: 238397 / 93200FH  
new M# / Client Ref.  
(Our Deposit Account No. 03-3975  
(Our Order No. 21123 / 238397  
C# / new M#  
Date: June 6, 1997

Sir:

This is a RULE 62 Request for filing from  
prior copending parent Application No. 08 / 594,327, a  
series code ↑ serial no. ↑

☐ divisional

☒ continuation ( **Exr. NOTE:** any election in parent as to species/restriction requirement:

☐ is carried over with traverse) ☐ is not carried over)

☐ continuation-in-part without new Declaration (Rule 53(d)) ☐ without fee

☐ continuation-in-part (with new Declaration attached hereto)

The parent was filed on January 30, 1996, entitled PRECIPITATED SILICAS

by the following named inventor(s) who is/are ☒ the same as, ☐ less than all of (see Item 17),

☐ more than (for CIP only), those named in that parent application:

1. Inventor Heinz ESCH Germany  
First Middle Initial Family Name Country of Citizenship

Residence (City) Bonn (State/Foreign Country) Germany

Post Office Address Kolnstrasse 367, D-53117 Bonn, Federal Republic of Germany

(include Zip Code) \_\_\_\_\_

2. Inventor Udo GORL Germany  
First Middle Initial Family Name Country of Citizenship

Residence (City) Bornheim-Roisdorf (State/Foreign Country) Germany

Post Office Address Herderstrasse 38, D-53332 Bornheim-Roisdorf, Federal Republic of Germany

(include Zip Code) \_\_\_\_\_

3. Inventor Robert KUHLMANN Germany  
First Middle Initial Family Name Country of Citizenship

Residence (City) Erfstadt (State/Foreign Country) Germany

Post Office Address Paul-Keller-Strasse 24, D-50374 Erfstadt, Federal Republic of Germany

(include Zip Code) \_\_\_\_\_

4. Inventor Ralf RAUSCH Germany  
First Middle Initial Family Name Country of Citizenship

Residence (City) Kreuzau (State/Foreign Country) Germany

Post Office Address In den Benden 18, D-52372 Kreuzau, Federal Republic of Germany

(include Zip Code) \_\_\_\_\_

5. Inventor \_\_\_\_\_  
First Middle Initial Family Name Country of Citizenship

Residence (City) \_\_\_\_\_ (State/Foreign Country) \_\_\_\_\_

Post Office Address \_\_\_\_\_

(include Zip Code) \_\_\_\_\_

**NOTE: FOR ADDITIONAL INVENTORS**, check box ☐ and attach sheet (CDC-110A) with same information for each inventor starting with inventor No. 6 and number new page 1A.

1. **Requirement of Rule 62:** Rule 62 filings are to be used only when the issue fee has not been paid (except as noted below) in the above-identified prior application nor that application abandoned or its proceedings terminated. This Rule 62 filing will be considered by the PTO as an express abandonment of that prior application except when this Rule 62 filing is pursuant to Rule 313(b)(5), i.e., when the issue has been paid in the prior application and a petition filed to abandon that application to permit an IDS to be considered in this Rule 62 application. (Note: 37 CFR 1.53 (Rule 53) may be used for continuations and divisions where the prior application is not to be abandoned.)
2. ☐ The issue fee has been paid in the parent, but this Rule 62 Request follows a Rule 313(b)(5) petition, and per 1138 OG 40 waiver is respectively requested of that part of Rule 62 which prohibits use of the rules to file an FWC after payment of the issue fee.
3. ☒ Priority is claimed under 35 U.S.C. 119/365 based on filing in Germany of:  
(country)
- | <u>Application No.</u>   | <u>Filing Date</u>    | <u>Application No.</u> | <u>Filing Date</u> |
|--------------------------|-----------------------|------------------------|--------------------|
| (1) <u>P 43 34 201.9</u> | <u>7 October 1993</u> | (4) _____              | _____              |
| (2) <u>P 44 27 137.9</u> | <u>30 July 1994</u>   | (5) _____              | _____              |
| (3) _____                | _____                 | (6) _____              | _____              |
- a. ☐ (No.) Certified copy/copies attached.
- b. ☒ Certified copy/copies previously filed on October 7, 1994 in prior U.S. Application No. 08 / 319,490, filed on \_\_\_\_\_, series code ↑ serial no. ↑.
- c. ☐ Certified copy/copies filed during International stage of PCT/\_\_\_\_\_/\_\_\_\_\_.  
d. ☐ Priority is also claimed from PCT/\_\_\_\_\_/\_\_\_\_\_ filed \_\_\_\_\_.
4. ☒ The prior application is assigned of record to Degussa Aktiengesellschaft  
by Assignment recorded January 3, 1995 Reel 7293 Frame 0208  
Date \_\_\_\_\_
5. ☐ Attached is an Assignment Cover Sheet.  
Please return the recorded Assignment to the undersigned.
6. ☒ The power of attorney in the prior application is to Kevin E. Joyce, Reg. No. 20,508, Cushman Darby & Cushman  
(Name, Reg. No.) the address of whom is in item 8.
7. ☒ Recognize as associate attorney Ann S. Hobbs, Reg. No. 36,830  
(Name and Reg. No.; Address as in item 8 unless otherwise indicated)
8. **Address all future communications to Cushman Darby & Cushman Intellectual Property Group of Pillsbury Madison & Sutro LLP, Ninth Floor, East Tower, 1100 New York Avenue, N.W., Washington, D.C. 20005-3918.**
9. ☒ Amend the specification by inserting before the first line (in place of any comparable insert previously requested in any prior application) the sentence: --This is a  
☐ continuation-in-part (CIP) ☒ continuation ☐ division  
of Application No. 08 / 594,327, filed on January 30, 1996, which was  
series code ↑ serial no. ↑  
abandoned upon the filing hereof \_\_\_\_\_
10. ☐ (No.) Verified Statement(s) establishing "small entity" status under Rules 9 and 27  
a. ☐ filed in above prior application (and hence applicable hereto)  
b. ☐ attached.

11. **Requirement of Rule 62:** It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.
12. Petition to extend the life of the above prior application to at least the date hereof

NOTE: (One box) ☒ [ X ] is being concurrently filed in that prior application (Use Form CDC-111).  
 (must be) ☐ [ ] was previously filed in that prior application (Check length of prior extension).  
 (X'd) ☐ [ ] is not necessary for copendency ( double check before X'ing this box).

13. ☐ [ ] Please enter the amendment previously filed on \_\_\_\_\_  
 but unentered in the above prior application.
14. ☐ [ ] Attached: \_\_\_\_\_ sheet(s) per set of drawing of Fig(s) \_\_\_\_\_;  
☐ [ ] 1 set informal; ☐ [ ] formal of size: ☐ [ ] A4 ☐ [ ] 11"
15. ☐ [ ] **PRELIMINARY AMENDMENT to be entered before fee calculation** (Do not make amendments here except cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee per MPEP §§ 506 and 607; do not cancel all claims.);
16. ☐ [ ] Attached is a Rule 103(a) Petition to Suspend Action

17. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this Rule 62 application:

1. \_\_\_\_\_ 2. \_\_\_\_\_  
 3. \_\_\_\_\_ 4. \_\_\_\_\_

18. ☐ [ ] This Rule 62 application is a continuation-in-part which discloses and claims additional matter and the amendments in attached Amendment are to be considered an integral part of the CIP ab initio.
- a. ☐ [ ] New Declaration is attached.
- b. ☐ [ ] This application is also filed under Rule 53(d) (without a Declaration) and hence filing fee is not enclosed.

# **FILING FEE**

THE FOLLOWING FILING FEE IS BASED ON THE CLAIMS  
 EXISTING IN THE PRIOR APPLICATION AS AMENDED AT 13 AND 15 ABOVE

- |   | see box 10 re:               | Large/Small Entity       | Fee Code                   |
|---|------------------------------|--------------------------|----------------------------|
| 19. Basic filing fee -----  | Design Appln. - -            | \$320/\$160              | \$0 (0620)                 |
| 20. Basic filing fee -----  | <u>Not</u> Design Appln. - - | \$770/\$385              | \$770.00 (0120)            |
| 21. Total Effective Claims  | <u>2</u> minus 20 =          | * <u>0</u> x \$22/\$11 = | +0 (0620)                  |
| 22. Independent Claims  | <u>1</u> minus 3 =           | * <u>0</u> x \$80/\$40 = | +0 (0220)                  |
| * If answer is zero or less, enter "0"  |                              |                          |                            |
| 23. If <u>any proper</u> (ignore improper) multiple dependent claim is present, ----- | add \$260/\$130              | +0                       | (104/204)                  |
| 24.   | <b>TOTAL FILING FEE =</b>    | <b>\$770.00</b>          |                            |
| 25. If "assignment" box 5 above is X'd, -----   | add recording fee (\$40.00)  | +0                       | (581)                      |
| 26. If "petition" box 16 above is X'd, -----  | add petition fee (\$130.00)  | +0                       | (122)                      |
| 27.   | <b>FEE ATTACHED =</b>        | <b>\$770.00</b>          | (carry forward to line 36) |

28. ☐ Preliminary Amendment attached (to be entered after assigning Appln. No.).  
(Do NOT X box 28 or 29 for CIP Amendment. See box 18)
29. ☐ The following PRELIMINARYAMENDMENT is to be entered after assigning Appln. No.:
30. ☐ ATTACHED:

31. **ADDITIONAL FEE CALCULATION FOR  
PRELIMINARY AMENDMENT  
PER BOXES 28/29**

	Claims remaining after amendment	Highest number previously paid for	Present Extra		Large/Small Entity	Additional Fee	Fee Code
32. Total Effective Claims	<u>2</u>	minus ** <u>20</u>	= * <u>0</u>	x	\$22/\$11	= \$ <u>0</u>	(10B2B)
33. Independent Claims	<u>1</u>	minus *** <u>3</u>	= * <u>0</u>	x	\$80/\$40	= + <u>0</u>	(10B2B)
34. If amendment enters proper multiple dependent claim(s) into this application for the first time, ----- add \$260/130 (per application)						+ <u>0</u>	(1042D)
35.					ADDITIONAL FEE	\$ <u>0</u>	
36.					plus FEE from item 27 on page 3	+ <u>770.00</u>	
37.					<b><u>TOTAL FEE ATTACHED</u></b>	<b><u>\$770.00</u></b>	

38.\*If the entry in the first space is less than entry in the middle space, the "Present Extra" result is "0".

39.\*\*If the "Highest number previously paid for" (see item 21 above) is less than 20, write "20" in this space.

40.\*\*\*If the "Highest number previously paid for" (see item 22 above) is less than 3, write "3" in this space.

41. **CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. **This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.**

**Cushman Darby & Cushman  
Intellectual Property Group of  
Pillsbury Madison & Sutro LLP**

1100 New York Avenue, N.W.

Ninth Floor, East Tower By Atty: Ann S. Hobbs

Reg. No. 36,830

Washington, D.C. 20005-3918

Tel: (202) 861-3000

Atty/Sec: ASH/maf

Sig: [Signature]

Fax: (202) 822-0944

Tel.: (202) 861-3063

**NOTE: No: 1:** File this Request in duplicate with 2 postcard receipts (CDC-103) & attachments.

**NOTE: No: 2:** Is extension in parent necessary for copendency? **DOUBLE CHECK** Item 12 above.